



**UNITED STATES PROBATION & PRETRIAL SERVICES
District of New Hampshire**

MEMORANDUM

DATE: March 22, 2021

TO: Honorable Andrea K. Johnstone
U.S. Magistrate Judge

FROM: Jacquelyne Santullo
U.S. Probation Officer

RE: U.S. v. Jonathan McKnight (Dkt #1:20-cr-00129-PB)

Report of Bail Violation – Warrant Recommended

The probation officer respectfully requests that the Court issue a warrant for Jonathan McKnight so that he may be brought before the Court and be made to show cause as to why his bail should not be revoked. In support of this request, the probation officer offers the following information.

Release Status

On October 20, 2020, Jonathan McKnight appeared before U.S. Magistrate Judge Andrea K. Johnstone for an initial appearance, pursuant to an Indictment charging him with Interference with Commerce by Threats or Violence, in violation of 18 U.S.C. §§ 1951(a). At that time, the defendant stipulated to detention.

On November 30, 2020, the defendant appeared before the Court for a bail hearing. Counsel for the government argued for continued detention. Probation also recommended detention based on the defendant's criminal history, past probation/parole non-compliance, substance abuse, mental health history and the nature of the instant offense. Defense counsel requested a continuance and the Court ordered the defendant temporarily detained pending a further hearing.

On December 15, 2020, the defendant appeared before the Court for a continued bail hearing. At that time, the Court ordered the defendant released to Melissa Benoit's residence until he could secure housing at a sober living program. The court also ordered that the defendant participate in an intensive outpatient program (IOP) and that he contact Manchester Mental Health within 24 hours to begin the process of obtaining mental health services. Defense counsel advised the Court that the defendant had a scheduled appointment with Farnum Center, a substance abuse treatment facility in Manchester, NH, on December 16, 2020.

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On January 4, 2021, the defendant commenced IOP at Farnum Center. On January 11, 2021, the defendant moved into Starting Point, a sober living residence in Manchester, NH.

Details of Current Violation(s):

Violation of Condition 8(z): The defendant shall comply with the following residential requirements and restrictions: secure housing at a sober living residence preapproved by probation by January 15, 2021 and any change in residence must be preapproved by the supervising officer.

On February 9, 2021, the probation officer received a phone call from the defendant advising that he was terminated from Starting Point, a sober living residence in Manchester, NH. The defendant reported that another resident overdosed, and the program accused him of being involved in supplying the drugs. On February 11, 2021, a faculty member at Starting Point confirmed this account to the probation officer and noted that multiple residents came forward to report the defendant's involvement. The probation officer subsequently spoke with the defendant and instructed him to secure housing at another sober living residence. As of this writing, the defendant has failed to comply with those instructions.

Most recently, the defendant reported to be staying with a family friend, John Riley in Manchester, NH. On March 22, 2021, the probation officer spoke with Riley who advised that the defendant is no longer living with him. Riley also noted that he and the defendant got into a verbal altercation on or around March 7, 2021, when the defendant took his vehicle without permission.

Violation of Condition 8(i): Meaningfully participate in a program of inpatient or outpatient substance abuse treatment, which may include medication assisted treatment, if deemed advisable by the supervising officer and do not discontinue any treatment program without the prior approval of the supervising officer. *Be evaluated on December 16, 2020, by the Farnum Center IOP and if admitted, begin it immediately. If denied admission, defendant shall notify the Court, Probation, U.S. Attorney immediately. A further hearing to be held if the defendant is not accepted into the Farnum IOP.

The defendant initially attended IOP at Farnum three afternoons/evenings per week. However, upon moving into Starting Point, the defendant was required to attend a house meeting that conflicted with his IOP schedule. As a result, the defendant was moved into a different, non-IOP meeting at Farnum temporarily, until room opened up in their morning IOP session, on February 19, 2021. In addition, staff advised the probation officer that the defendant did not participate in any non-IOP meetings during the week of 2/8/21 to 2/12/21.

On March 1, 2021, Farnum staff informed the probation officer that when they went to move the defendant into the morning IOP session as previously planned, he declined stating that it would not work with his employment schedule. The defendant instead remained in the non-IOP group but, as of that date, had only engaged sporadically.

On March 22, 2021, Farnum staff informed the probation officer that the defendant was again scheduled to start IOP on March 17, 2021. Staff reported that they spoke with the defendant on

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March 17, 2021 and reminded him of the first session scheduled for that evening, but he failed to show up. As of this writing, the defendant has not participated in any scheduled sessions and has been terminated from the program as a result. Worthy of note, on March 22, 2021, the defendant reported to the probation officer that he was actively participating in IOP and indicated that “the sessions are going good.”

Violation of Condition 8(p): The defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 USC§ 802 unless prescribed by a licensed medical practitioner.

On March 3, 2021, the defendant submitted an unobserved urine sample which the probation officer had reason to believe was tampered with. As a result, the probation officer collected a saliva sample, which tested positive for cocaine. The defendant denied knowingly using any drugs.

On March 9, 2021, the defendant admitted to being untruthful regarding the above noted drug test result and reported that he used cocaine approximately three days prior to the test. The defendant also stated that he used cocaine on two other occasions while on release.

On March 9, 2021, the defendant also admitted to the probation officer that he had consumed alcohol several times since his release. Additionally, the defendant’s former boss at Gamache Properties in Manchester, NH, advised the probation officer that the defendant was verbally reprimanded in February 2021 after showing up to work smelling of alcohol.

Recommendation

In addition to the violations listed above, the defendant has engaged in several other concerning behaviors while under supervision. On January 10, 2021, at approximately 02:00 a.m., members of the Manchester Police Department were called to a location on Central Street for a reported domestic argument. Responding officers encountered the defendant and his girlfriend in the intersection of Lincoln and Central Streets, and both parties admitted that a verbal argument had taken place. There was no evidence of a physical altercation and neither party was charged with any offense. The defendant entered Starting Point the following day.

On February 18, 2021, the defendant missed a scheduled drug test and subsequently explained to the probation officer that he had been in a local hospital due to COVID-19 symptoms. When asked to provide supporting documentation, the defendant provided a picture of a partial hospital document that appeared to confirm his account. However, despite numerous requests, the defendant was unable to provide the document in its entirety. The probation officer ultimately obtained the paperwork directly from the hospital, and learned that the defendant had admitted himself for a psychiatric evaluation due to depression and suicidal ideation. The defendant had also tested positive for cocaine and alcohol while at the hospital.

In sum, the defendant was discharged from his sober living residence more than five weeks ago under extremely concerning circumstances. The probation officer sought to give the defendant the benefit of the doubt and continue working with him while he secured a bed at another sober house.

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Unfortunately, since that time, the defendant has been untruthful with the probation officer on numerous occasions, has denied the need for mental health services, and has refused to participate in treatment as ordered by this Court. For those reasons, the probation officer respectfully recommends a warrant be issued so that the defendant can be brought before the Court to show cause as to why his bail should not be revoked.

Reviewed by:

Submitted by:

/s/ Eric Gray 3/23/21
 Eric Gray Date
 Supervising U.S. Probation Officer

/s/ Jacquelyne Santullo 3/23/21
 Jacquelyne Santullo Date
 U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant/Matter Sealed Pending Arrest
☐ The Issuance of a Summons
☐ Other

Andrea K. Johnstone
 Honorable Andrea K. Johnstone
 U.S. Magistrate Judge

3/23/2021
 Date